IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

RCRev..No. 203 of 2007(E)

RCA.16/2006 of D.C. & SESSIONS COURT,KOLLAM
RCP.59/1997 of PRL.M.C., KOLLAM
.....

REVN. PETITIONER/APPELLANT/3RD COUNTER PETITIONER

SULOCHANA, W/O. LATE SIVANANDA,
KARALIKIZHAKKATHIL VEEDU, MEENATHU CHERRY,
KAVANADU, SAKTHIKULANGARA VILLAGE, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENT/RESPONDENT/PETITIONER:

LALITHAMMA, D/O. CHELLAMMA AMMA,
ANAYADI VEEDU, MEENATHU CHERRY, KAVANADU,
SAKTHIKULANGARA VILLAGE, KOLLAM.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.R.UDAYABHANU, JJ.

R.C.R.NO.203 OF 2007 (E)

Dated this the 16th day of July, 2007

O R D E R

KOSHY,J.

The revision petitioner was ordered to be evicted under Section 11(2)(b) and 11(3) of the Building and Rent Control Act. Since the findings were concurrent, the only prayer pressed by the petitioner before us is that he may be given some time for vacating the building.

2. Heard the counsel for the respondents.

On the facts and circumstances of the case and also taking note that petitioner was in occupation of the building for more than $1^1/_2$ decades, petitioner can be given breathing time for shifting the business. In these circumstances, we are of the opinion that time can be granted upto 31.12.2007 for vacating the premises on petitioner comply with the following conditions.

(i). He shall pay arrears of rent as on date within one month from today.

(ii). He shall file an affidavit before the execution court within one month from today that he has paid all the arrears of rent as directed earlier and he will continue to pay the rent till he vacates the premises.

(iii). The above affidavit also should contain an undertaking that he will vacate the premises and give vacant possession of the building to the landlord on or before 31.12.2007, without creating any third party rights.

If the affidavit is not filed within one month from today, respondent will be free to execute the decree. If the affidavit is filed and other conditions are complied with, petitioner can be evicted only after 31.12.2007. With the above directions this revision petition is disposed of.

J.B.KOSHY, JUDGE

K.R.UDAYABHANU, JUDGE

prp

J.B.KOSHY & K.PADMANABHAN NAIR, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

16th JULY, 2007